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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/749,686	12/30/2003	Nikolai G. Nikolov	6570P043	2186	
45062 SAP/BSTZ	7590 10/17/200	8	EXAMINER		
BLAKELY SO	KOLOFF TAYLOR &	ZAFMAN LLP	WOOD, WILLIAM H		
1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			ART UNIT	PAPER NUMBER	
			2193		
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			10/17/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/749,686	NIKOLOV ET AL.	
Examiner	Art Unit	

The MAILMO DATE of this communication appears on the cover sheat with the correspondence address THE REPLY ELD 24 Segments 2005 FALLS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. □ The reply was filed after a final rejection, but prior to or on the same day as filing a Nelsco of Appeal. To avoid abandoment of this application, application and the reply led one of the following religies; (1) an amendment, affidavi, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.131 or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: □ The period for reply expressmonths from the mailing date of the final rejection. Examiner Note; If Dox 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE RIST REPLY WAS FILED WITHIN TOWN MONTHS OF THE FINAL PELECTION. See MEPE 705.07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension few may be contained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension few area lose finds in the date for proposes of determining the period of extension and he corresponding amount of the few. The appropriate extension few area for this (b) above, if checked. Any reply reserved by the Office later than three months after the mailing date of the final rejection, even if timely filed, may require any among advanced any amount of the few few period in extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37 transplant) and the appropriate extension few filed periods and the service of Appeal (37 CFR 41.37(a)),		vviiiiaiii ii: vv	004	2100	
1. ☑ The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following repless: (1) an amendment, affidate, or other evidency, or other evidency in the application, application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: □ The period for reply exprisemonths from the mailing date of the final rejection. □ The period for reply exprisemonths from the mailing date of the final rejection, whichever is later. In no event, however, with the stutatory period for reply exprise than SIX MONTHS from the mailing date of the final rejection. Examiner Note if box it is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OT THE FIRMA REJECTION. See MFEP 705.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(s) and the appropriate extension fee morter 37 CFR 1.176(s) is calculated from: (1) the exprision date of the shortened statutory period for reply originally set in the final Office action. (2) as many reduce any exame patient term adjustment. See 37 CFR 1.74(b). NOTICE OF APPEAL. □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (b), is evoid dismissal of the appeal. Since a Notice of Appeal was been filed; any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMEDIANENTS The proposed armendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) [2] They raise the issue of new matter (see NOTE below);	The MAILING DATE of this communication	on appears on the co	ver sheet with the	correspondence addi	ess
application, applicant must timely file one of the following replies: (1) an amendment, afficiavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmonths from the mailing date of the final rejection. Examiner Notic: If bot is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHAN THE first TREPLY WAS FILED WITHIN TWO MONTHS for THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS from the mailing date of the final rejection, which we have been was been facility to first the work of the final for the final free filed first First May and the filed with the first first f	THE REPLY FILED <u>24 September 2008</u> FAILS TO PLA	CE THIS APPLICATION	ON IN CONDITION	FOR ALLOWANCE.	
b)	application, applicant must timely file one of the for application in condition for allowance; (2) a Notice for Continued Examination (RCE) in compliance w	ollowing replies: (1) an a of Appeal (with appea	amendment, affidav ıl fee) in compliance	it, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
no event, however, will the statulory pend for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1.5 theckede, cheek either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REFLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.13(a). The date on which the petition under 37 CFR 1.13(a) calculated from: (1) the exprenation date of the shortened statutory pend of reproy originally set in final Office action; or (c) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any amend patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. 1. The Notice of Appeal was filled on A brief in compliance with 37 CFR 41.37 must be filled within two months of the date of filling the Notice of Appeal has been filed, any reply must be filled within the time period as for filling the Notice of Appeal has been filed, any reply must be filled within the time period as for filling a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet, (See 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s):	a) The period for reply expiresmonths from the	ne mailing date of the fina	l rejection.		
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the .The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. 2. The Notice of Appeal was filed on	no event, however, will the statutory period for reply Examiner Note: If box 1 is checked, check either bo	y expire later than SIX MC ox (a) or (b). ONLY CHEC	NTHS from the mailin	g date of the final rejectio	n.
 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (a)), to avoid dismissal of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	Extensions of time may be obtained under 37 CFR 1.136(a). have been filed is the date for purposes of determining the per under 37 CFR 1.17(a) is calculated from: (1) the expiration dat set forth in (b) above, if checked. Any reply received by the Omay reduce any earned patent term adjustment. See 37 CFR	The date on which the pet riod of extension and the d re of the shortened statuto ffice later than three mont	corresponding amount ory period for reply orig	of the fee. The appropria inally set in the final Office	te extension fee e action; or (2) as
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☑ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheef. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) objected to: Claim(s) objected to: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because applicant failed to provide a showing of go		in compliance with 37	CFR 41.37 must be	filed within two months	of the date of
(a)	filing the Notice of Appeal (37 CFR 41.37(a)), or a Notice of Appeal has been filed, any reply must be	ny extension thereof (3	37 CFR 41.37(e)), to	avoid dismissal of the	
(c)	(a) ☑ They raise new issues that would require fu	rther consideration and			cause
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13. ☐ Other: /William H. Wood/	See Continuation Sheet.	·		n condition for allowand	ce because:
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Continuation of 3. NOTE: Newly cited limitations, including at least "updatding" and "basing" limitations, would require further consideration and possibly search.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments would require further consideration and possibly search for at least the previously mentioned newly added limitations.